

REMARKS/ARGUMENTS

The Applicant thanks Examiner Charioui for his consideration and review of revised Figure 1 on July 28, 2005. The applicant also thanks the Examiner for his guidance during the telephonic interview of the same date. The outstanding Office Action has allowed all pending claims (**Claims 1-19**). The Applicant understands and acknowledges that prosecution on the merits is closed under *Ex parte Quayle*. However, several objections to the claims were made in the Action. The deficiencies giving rise to these objections have been attended to and are explained hereinbelow. A replacement Figure 1 is attached hereto. The changes to Figure 1 are explained herein. **Claims 1-19 are now pending** in this application and are believed to be in condition for allowance.

Amendments to the Drawing

The pending action maintained certain objections to Figure 1. Accordingly, the legend of Figure 1 has been amended to include a number of explanatory and descriptive phrases. The Examiner has reviewed these changes (on July 28, 2005) and stated that they are acceptable. A formal replacement drawing is attached to the end of this paper. Accordingly, the applicant submits that the pending objection has been overcome. Therefore, applicant respectfully requests that this objection be withdrawn.

Claim Objection

Claims 5 and 10 have been objected to as lacking antecedent basis for certain claim elements. The appropriate portion of Claim 5 is now amended to read as follows: "wherein the X-ray detector parameters includes at least a ~~[[the]]~~ detector type, the energy resolution, the reference energy for energy resolution, the solid angle of the detector, and the polar and azimuth ~~azimutal~~ angles". In addition to the correction of --the-- to "a", --azimuthal-- has been corrected to "azimuth". No change in scope is intended by either of these amendments, only increased clarity and correct grammar.

Additionally, Claim 10 is amended to read as follows:

"generating a simulated spectrum using a spectrum simulation algorithm based upon a ~~[[the]]~~ set of inspection system parameters, a ~~[[the]]~~ set of known semiconductor specimen parameters, and an ~~[[the]]~~ initial estimated value for the unknown parameter;"

So the correction of --the-- to "a" or --an-- has been implemented as requested by the Examiner. No change in scope is intended by any of these amendments, only increased clarity.

Accordingly, the applicant submits that all of the objectionable portions of the claims have been suitably amended. As a result, the applicant requests that the pending objections be withdrawn and all pending claims be allowed to issue.

Conclusion:

In view of the foregoing amendments and remarks, it is respectfully submitted that the claimed invention as presently presented is patentable over the art of record and that this case is now in condition for allowance.

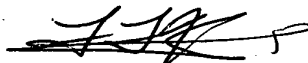
Accordingly, the applicant requests withdrawal of all pending objections and requests reconsideration of the pending application and prompt passage to issuance. As an aside, the applicant clarifies that any lack of response to any of the issues raised by the Examiner is not an admission by the applicant as to the accuracy of the Examiner's assertions with respect to such issues. Accordingly, applicant specifically reserves the right to respond to such issues at a later time during the prosecution of the present application, should such a need arise.

As always, the Examiner is cordially invited to telephone the applicant's representative to discuss any matters pertaining to this case. Should the Examiner wish to contact the undersigned for any reason, the telephone numbers set out below can be used.

Additionally, if any fees are due in connection with the filing of this Amendment, the Commissioner is authorized to deduct such fees from the undersigned's Deposit Account No. 50-0388 (Order No. KLA1P102).

Respectfully submitted,

BEYER WEAVER & THOMAS, LLP



Francis T. Kalinski II
Registration No. 44,177

P.O. Box 70250
Oakland, CA 94612-0250
Telephone: (650) 961-8300